REMARKS

In response to the Office Action, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Discussion of Claim Rejections Under 35 U.S.C. §§ 102(a) and 103(a)

In the Office Action, the Examiner rejected Claims 7 and 8 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 5,818,939, to Davis (hereinafter "Davis"). Claims 1, 3-6, 13, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,032,257, to Olarig, et al. (hereinafter "Olarig") in view of U.S. Patent No. 5,513,262, to van Rumpt, et al. (hereinafter "van Rumpt").

One embodiment of Applicant's invention is directed to a system and method that allows for the secure storage of data that is used and created by an individual when using their computer. In one embodiment, encryption hardware may be provided that receives data from a processor in the computer and encrypts the data prior to storing the data on the computer and decrypts the data when it is retrieved from storage. A cryptographic key may be generated that is derived at least in part from received user input and information that is stored in a non-erasable memory in said computer system during manufacture of said computer system.

Claims 1, 5 and 7

Applicant respectfully submits that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *See* M.P.E.P. § 2131. Furthermore, to establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *See* M.P.E.P § 2143.03. Applicant respectfully submits that the cited prior fails to teach or suggest at least one limitation from each of the above-listed claims.

Olarig is generally directed to a theft protection system. *See* Olarig, Abstract. In Olarig, a device in a computing system determines whether the device is authorized to execute based upon a site code that is provided by the computer. *See* col. 5, lines 48-51. If the site code matches an authorization code stored in the device, then the device is enabled for full operation. *See* col. 5, lines 52-55. The authorization code is based upon a manufacture provided serial

number of the device and a site code that is associated with the computer. *See* col. 5, line 64-col. 6, line 3. Applicant respectfully submits that Olarig fails to teach or suggest as is recited in independent Claim 1, as amended: "generating a cryptographic key derived at least in part from said identification code and the received user input." Similar limitations are recited in independent Claims 5 and 7.

In Olarig, the authorization code is *not* based upon user input. Furthermore, Applicant respectfully notes that the authorization code of Olarig is *not* used for encrypting and decrypting data for the device. It is merely used for authentication of the computing system environment. Furthermore, Applicant respectfully submits that at least this limitation is not taught or suggested by van Rumpt. Van Rumpt generally describes an encryption system. Van Rumpt fails to however particularly teach or suggest "generating a cryptographic key derived at least in part from said identification code and the received user input." *See e.g.*, col. 2, lines 43-65.

Moreover, Applicant respectfully submits that at least this limitation is not taught or suggested by Davis. Davis describes an electronic system with security functionality that optimizes performance of the electronic system during cryptographic operations. *See* Abstract. Davis encrypts data solely based upon information provided by a manufacturer and *not* user input. *See* col. 5, lines 13-38.

Since the cited prior art fails to teach or suggest at least the above-limitations, Applicant respectfully submits that these claims are in condition for allowance.

<u>Claims 2- 6, 8-10, and 12-14</u>

Since Claims 2-6, 8-10, and 12-14 each depend on one of independent Claims 1, 5, and 7, Applicant respectfully submits that these claims are allowable for the reasons discussed above and the subject matter of their own limitations.

<u>Conclusion</u>

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes, the reasons therefore, and arguments in support of the patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and the claims would satisfy the statutory

requirements for patentability without the entry of such amendments. In addition, such amendments do not narrow the scope of the claims. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

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Dated: June 28, 2004

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